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9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
10 **FOR THE COUNTY OF SACRAMENTO**  
11

12 JANE DOE INMATE, individually and on behalf )  
of all other similarly situated individuals )

13 Plaintiff,  
14

15 vs.

16 SCOTT JONES, Sheriff of Sacramento County,  
SHERIFF'S DEPARTMENT, a public entity,  
17 CALIFORNIA BOARD OF STATE AND  
COMMUNITY CORRECTIONS, a public entity,  
and DOES 1-1000, inclusive,  
18

19 Defendants.  
20

Case No.: **34-2018-00246913**

) **CLASS ACTION**

) **FIRST AMENDED COMPLAINT FOR**  
) **INJUNCTIVE RELIEF –ORDER**  
) **DEFENDANT SHERIFF TO STOP**  
) **CHARGING 25¢ PER TAMPON TO**  
) **INMATES AND ORDER BSCC TO ORDER**  
) **ALL CALIFORNIA JAILS TO STOP**  
) **SHERIFFS FROM CHARGING MONEY**  
) **FOR TAMPONS**

21 **INTRODUCTION**

22 This action is brought by Jane Doe Inmate individually and on behalf of present and future  
23 female menstruating inmates, and or female inmates who will be menstruating incarcerated in the  
24 Sacramento County Jail or who are or may be incarcerated there. Sacramento County Sheriff Scott  
25 Jones by and through the Sacramento County Sheriff's Department of Sacramento County operates  
26 the Sacramento County Jail, which charges—requires women inmates to pay 25¢—to get a tampon.  
27 This lawsuit seeks an end to the Sacramento County Sheriff and his Department's requirement that  
28 women inmates pay the Sacramento County Sheriff's Department 25¢ to get a tampon.

1 This lawsuit also seeks to compel the California State Board of Community Corrections to  
2 direct all California County Sheriff's Departments and/or County Jails that do not provide  
3 menstruation products to inmates without charges, to provide women inmates with tampons,  
4 menstruation pads or both at the inmate's choice without charge in accord with the requirements of  
5 the Due Process Clause and the Equal Protection Clause of the Constitution of the State of  
6 California.

7 Plaintiff Jane Doe inmate individually, and on behalf of all other similarly situated  
8 individuals, present and future inmates jailed and menstruating or about to menstruate in the  
9 Sacramento County Jail and others alleges as follows:

#### 10 JURISDICTION AND VENUE

11 1. The Superior Court of the State of California has jurisdiction to hear this case because the  
12 right sought to be enforced herein are rights provided to Plaintiff(s) by California Law.

13 2. This Court is the proper venue because all events described in this lawsuit occurred in  
14 Sacramento County, California, and Defendants are subject to personal jurisdiction of this Court.

#### 15 THE PARTIES

16 3. Plaintiff Jane Doe is or could be an inmate in the Sacramento County Jail.

17 4. Plaintiff Jane Doe could also be an inmate in any of the County Jails herein after described.

18 5. Plaintiff Jane Doe is a woman. Plaintiff Jane Doe is of menstruating age. Plaintiff Jane Doe  
19 like women of menstruating age, menstruates on or about every twenty-eight (28) days.

20 6. Plaintiff Jane Doe brings this action on behalf of herself and on behalf of other female  
21 inmates incarcerated in the Sacramento County Jail both pretrial detainees and sentenced prisoners,  
22 who are or will be required to pay money to the Sacramento County Sheriff and Sacramento County  
23 Sheriff's Department for a tampon, i.e. to pay 25¢ per tampon, and for this Court's order directing  
24 the Sacramento County Sheriff Scott Jones and the Sacramento County Sheriff's Department to  
25 freely provide menstruation products to female inmates at the inmates choice, i.e. and to stop  
26 charging inmates 25¢ for a tampon.

27 7. Plaintiff Jane Doe in her own right and on behalf of present and future female inmates  
28 incarcerated in the following identified California County Jails asks this Court to Order the

1 California State Board of Community Corrections to direct all California County Jails to provide  
2 menstruation products to female inmates at the inmate's choice without charge.

3 8. Defendant, Sacramento County, is a government entity, organized and existing under the  
4 laws of the State of California, with the capacity to sue and be sued.

5 9. Sacramento County, has, as one of its governmental entities, a Sheriff's Department.

6 10. Defendant, Scott Jones, is the elected Sheriff of Sacramento County.

7 11. One of the functions of the Defendant Sacramento County Sheriff's Office, is to  
8 operate custodial facilities, i.e., jails, to house both pretrial detainees and sentenced prisoners.

9 12. Defendant, Sheriff Scott Jones, is in charge of operating the Defendant, Sacramento County  
10 Jail, which incarcerates inmates, both men and women.

11 13. Defendant, Sacramento County Sheriff's Department, run by Defendant, Sheriff Scott Jones,  
12 and Defendant, Sacramento County, are and have been violating the laws as hereinafter described.

13 14. Attached hereto and marked as Exhibit 1 is a letter from the Sacramento County Sheriff's  
14 Department. Exhibit 1 attached hereto and incorporated by reference states that the Sacramento  
15 County Sheriff charges 25¢ per tampon. Exhibit 1 provides in part as follows:

16 "Per Title 15 sanitary napkins are available to all female inmates in their housing locations  
17 free of charge. Tampons are available to female inmates through commissary for 25¢ each."

18 15. The State Board of Community Corrections is a State of California Government agency  
19 created by the legislature in 2012.

20 16. The California Board of State and Community Corrections (hereinafter BSCC) is an  
21 independent statutory agency that provides leadership to the adult and juvenile criminal justice  
22 systems, expertise on Public Safety Realignment issues, a data and information clearinghouse, and  
23 technical assistance on a wide range of community corrections issues. (Penal Code sec. 6024-6025).  
24 In addition, the BSCC promulgates regulations for adult and juvenile detention facilities, conducts  
25 regular inspections of those facilities, develops standards for the selection and training of local  
26 corrections and probation officers, and administers significant public safety-related grant funding.

27 17. The BSCC main office is located at 2590 Venture Oaks Way, Suite 200, Sacramento, CA  
28 95833, which is located in Sacramento County.

1 18. As per the legislative directive contained in California Penal Code §§ 6024 et seq. the BSCC  
2 was tasked with writing Title 15 of the California Administrative Code.

3 19. The BSCC created and wrote Title 15, the most recent version being January 2017.

4 20. Title 15 sets forth the State of California's Minimum Standards for Local Detention  
5 Facilities.

6 21. Section 1265 of Title 15 states as follows:

7 "§ 1265. Issue of Personal Care Items

8 There shall be written policies and procedures developed by the facility administrator for the  
9 issue of personal hygiene items. Each female inmate shall be issued sanitary napkins and/or  
10 tampons as needed. Each inmate to be held for over 24 hours who is unable to supply  
11 himself/herself with the following personal care items, because of either indigency of the  
12 absence of an inmate canteen, shall be issued:

13 (a) Toothbrush,

14 (b) Dentifrice,

15 (c) Soap,

16 (d) Comb, and

17 (e) Shaving implements.

18 Inmates shall not be required to share any personal care items listed in items "a" through  
19 "d."

20 Inmates will not share disposable razors. Double edged safety razors, electric razors, and  
21 other shaving instruments capable of breaking the skin, when shared among inmates, must  
22 be disinfected between individual uses by the method prescribed by the State Board of  
23 Barbering and Cosmetology in Sections 979 and 980, Division 9, Title 16, California Code  
24 of Regulations."

25 22. Title 15 is some 70 pages long and seeks to address all aspects of California County Jail  
26 operations.

1       23. The sentence “[e]ach female inmate shall be issued sanitary napkins and/or tampons as  
2 needed” as contained in § 1265 of Title 15 is the only reference to menstruation products in Title  
3 15.

4       24. Upon information and belief, when the BSCC wrote the sentence “each female inmate shall  
5 be issued sanitary napkins and/or tampons as needed” it was their intention that California Jails  
6 provide tampons and/or sanitary pads or both to female inmates at the inmate’s choice without  
7 charge.

8       25. In February of 2018 at the behest of Jane Doe, Public Records Act requests were sent to  
9 each California County to request the respective County’s menstruation product provision policy to  
10 inmates.

11       26. Over the next six months 56 of the 58 California Counties responded and provided their  
12 menstruation product policy.

13       27. The policies were varied, but most California County Jails charged female inmates money to  
14 obtain tampons, though all provided sanitary napkins. A few jails do not make tampons available at  
15 all.

16       28. At the behest of Jane Doe, letters were sent to each county that required female inmates to  
17 buy tampons asking that the county revise their policy to provide tampons and/or sanitary napkins  
18 or both to women inmates without charge.

19       29. Many California Counties revised their policy to freely provide tampons and/or sanitary  
20 pads or both to women inmates, i.e., they stopped charging women inmates for tampons.

21       30. Some California Counties responding to the request to change their policy by refusing to  
22 change and insisting that by writing “and/or” in § 1265 of Title 15 the BSCC regulation bestows  
23 authority upon the Sheriff to decide what product to freely provide, and that the Sheriff can decide  
24 to refuse to freely provide one of the products and charge inmates money to obtain the product.

25       31. No California County Jail charges for sanitary napkins. In February 2018 the majority of  
26 California Jails required female inmates to pay money to get a tampon.

27       32. In March of 2018, at the behest of Jane Doe a lawsuit was filed against the San Luis Obispo  
28 County Sheriff’s Department and Sheriff Ian Parkinson because they would not freely provide

1 female inmates with menstruation products of their choice and required female inmates to buy  
2 tampons at the price of \$3.23 for a box of ten tampons.

3 33. The Defendants San Luis Obispo County and Sheriff's Department agreed to freely provide  
4 menstruation products to female inmates without charge at the inmate's choice and the lawsuit was  
5 then dismissed.

6 34. Article 1 section 7(a) of the California Constitution contains the equal protection clause,  
7 which provides that "[a] person may not be deprived . . . equal protection of the laws."

8 35. Article 1 section 7(a) of the California Constitution also contains the due process clause  
9 which provides that "[a] person may not be deprived of life, liberty, or property without due process  
10 of law. . . ."

11 36. The California Department of Corrections provides inmates with menstruation products  
12 without charge at the inmates choice, i.e., the inmate choose whether to use a tampon or pad or  
13 both, meaning State of California inmates are provided menstruation products at their choice  
14 without charge.

15 37. The Federal Bureau of Prisons requires Wardens to ensure inmates are provided with  
16 menstruation products (at no cost) at the inmate's choice. All women inmates in federal prisons in  
17 California receive the menstruation product of their choice without charge.

18 38. The United States Department of Justice Federal Bureau of Prison's Memorandum relative  
19 to menstruation products provides in relevant part as follows:

20 "Wardens will ensure inmates are provided the following products (at no cost to the  
21 inmates):

- 22 • Tampons, regular and super size;
- 23 • Mazi Pads with wings, regular and super size; and
- 24 • Panty liners, regular."

25 39. The following California Counties who freely provide sanitary napkins, tampons and/or both  
26 to women inmates at their choice:

- 27 • Alpine County
- 28 • Amador County

- 1 • Butte County
- 2 • Calaveras County
- 3 • Colusa County
- 4 • Contra Costa County
- 5 • Del Norte County
- 6 • Glenn County
- 7 • Humboldt County
- 8 • Inyo County
- 9 • Kern County
- 10 • Lake County
- 11 • Mariposa County
- 12 • Mendocino County
- 13 • Merced County
- 14 • Monterey County
- 15 • Napa County
- 16 • Nevada County
- 17 • Plumas County
- 18 • Riverside County
- 19 • San Benito County
- 20 • San Diego County
- 21 • San Luis Obispo County
- 22 • San Mateo County
- 23 • Santa Barbara County
- 24 • Santa Clara County
- 25 • Santa Cruz County
- 26 • Solano County
- 27 • Sonoma County
- 28 • Stanislaus County

- Trinity County
- Yuba County

40. The State Board of Community Corrections interprets Section 1265 of Title 15 to require that female inmates be provided sanitary napkins and/or tampons without charge at the inmate's choice. Any other interpretation would be unconstitutional.

41. The following Counties as hereinafter alleged are violating the State of California Constitution's Equal Protection Clause and Due Process Clause because they charge money to women inmates to get a tampon.

42. Alameda County, is a governmental entity, organized and existing under the laws of the State of California, with the capacity to sue and be sued.

43. Alameda County has, as one of its governmental entities, a Sheriff's Department.

44. Gregory Ahern is the elected Sheriff of Alameda County.

45. One of the functions of the Alameda County Sheriff's Office, is to operate custodial facilities, i.e., jails, to house both pretrial detainees and sentenced prisoners.

46. Sheriff Gregory Ahern, is in charge of operating the Alameda County Jail, which incarcerates inmates, both men and women.

47. Alameda County Sheriff's Department policy states: "Sanitary napkins for female inmates will be available in ITR and housing floor/units as needed." Tampons are not provided or available to purchase at the commissary. Alameda County Sheriff's Department policy is attached hereto and marked as Exhibit 2.

48. Alameda County Sheriff's Department, run by Sheriff Gregory Ahern, and Alameda County, are and have been violating the law by not providing female inmates with tampons—neither for free or for purchase at the commissary.

49. El Dorado County, is a governmental entity, organized and existing under the laws of the State of California, with the capacity to sue and be sued.

50. El Dorado County has, as one of its governmental entities, a Sheriff's Department.

51. John D'Agostini is the elected Sheriff of Alameda County.



1 52. One of the functions of the El Dorado County Sheriff's Office, is to operate custodial  
2 facilities, i.e., jails, to house both pretrial detainees and sentenced prisoners.

3 53. Sheriff John D'Agostini, is in charge of operating the El Dorado County Jail, which  
4 incarcerates inmates, both men and women.

5 54. El Dorado Sheriff's Department states: "Each inmate held more than 24 hours, who is  
6 unable to supply him/herself with the following personal care items because of their indigency or  
7 the absence of an inmate canteen, shall be issued the following items . . . Materials as appropriate to  
8 the special hygiene needs of women." Upon information and belief, "materials" only includes  
9 sanitary napkins, tampons must be purchased through the commissary if a female inmate wants one.  
10 El Dorado Sheriff's Department policy is attached hereto and marked as Exhibit 3.

11 55. El Dorado County Sheriff's Department, run by Sheriff John D'Agostini, and El Dorado  
12 County, are and have been violating the laws by not providing female inmates with tampons and  
13 charging them .40¢ per tampon.

14 56. Fresno County, is a governmental entity, organized and existing under the laws of the State  
15 of California, with the capacity to sue and be sued.

16 57. Fresno County has, as one of its governmental entities, a Sheriff's Department.

17 58. Margaret Mims is the elected Sheriff of Fresno County.

18 59. One of the functions of the Fresno County Sheriff's Office, is to operate custodial facilities,  
19 i.e., jails, to house both pretrial detainees and sentenced prisoners.

20 60. Sheriff Margaret Mims, is in charge of operating the Fresno County Jail, which incarcerates  
21 inmates, both men and women.

22 61. Fresno County Sheriff's Department's policy regarding female hygiene products states: "A  
23 supply of sanitary napkins are available inside each housing unit. . . Tampons may be purchased  
24 from commissary." Fresno County Sheriff's Department policy is attached hereto and marked as  
25 Exhibit 4.

26 62. Fresno County Sheriff's Department, run by Sheriff Margaret Mims, and Fresno County, are  
27 and have been violating the law by charging female inmates .56¢ per tampon for Tampax Super and  
28 .42¢ per tampon for Playtex Gentle Glide Regular.

1       63. Imperial County, is a governmental entity, organized and existing under the laws of the State  
2 of California, with the capacity to sue and be sued.

3       64. Imperial County has, as one of its governmental entities, a Sheriff's Department.

4       65. Raymond Leora is the elected Sheriff of Imperial County.

5       66. One of the functions of the Imperial County Sheriff's Office, is to operate custodial  
6 facilities, i.e., jails, to house both pretrial detainees and sentenced prisoners.

7       67. Sheriff Raymond Loera, is in charge of operating the Imperial County Jail, which  
8 incarcerates inmates, both men and women.

9       68. Imperial County Sheriffs Department policy states: "All female inmates shall be issued  
10 sanitary napkins as needed." Upon information and belief, tampons must be purchased through the  
11 commissary if desired by female inmates. Imperial County Sheriff's Department policy is attached  
12 hereto and marked as Exhibit 5.

13       69. Imperial County Sheriff's Department, run by Sheriff Raymond Loera, and Imperial County,  
14 are and have been violating the law by charging female inmates .45¢ per tampon.

15       70. Kings County, is a governmental entity, organized and existing under the laws of the State  
16 of California, with the capacity to sue and be sued.

17       71. Kings County has, as one of its governmental entities, a Sheriff's Department.

18       72. Dave Robinson is the elected Sheriff of Kings County.

19       73. One of the functions of the Kings County Sheriff's Office, is to operate custodial facilities,  
20 i.e., jails, to house both pretrial detainees and sentenced prisoners.

21       74. Sheriff Dave Robinson, is in charge of operating the Kings County Jail, which incarcerates  
22 inmates, both men and women.

23       75. Kings County Sheriff's Department policy states: "Each inmate held more than 24 hours,  
24 who is unable to supply him/herself with the following personal care items because of either  
25 indigency or the absence of an inmate canteen, shall be issued the following items . . . Materials as  
26 appropriate to the special hygiene need of women." Upon information and belief, "materials" only  
27 includes sanitary napkins, and tampons must be purchased through the commissary. Kings County  
28 Sheriff's Department policy is attached hereto and marked as Exhibit 6.

1       76. Kings County Sheriff's Department, run by Sheriff Dave Robinson, and Kings County, are  
2 and have been violating the law by charging female inmates .40¢ per tampon in their commissary.

3       77. Lassen County, is a governmental entity, organized and existing under the laws of the State  
4 of California, with the capacity to sue and be sued.

5       78. Lassen County has, as one of its governmental entities, a Sheriff's Department.

6       79. Dean Growdon is the elected Sheriff of Lassen County.

7       80. One of the functions of the Lassen County Sheriff's Office, is to operate custodial facilities,  
8 i.e., jails, to house both pretrial detainees and sentenced prisoners.

9       81. Sheriff Dean Growdon is in charge of operating the Lassen County Jail, which incarcerates  
10 inmates, both men and women.

11       82. Lassen County Sheriff Department's policy states: "Each inmate held more than 24 hours,  
12 who is unable to supply him/herself with the following personal care items because of either  
13 indigency or the absence of an inmate canteen, shall be issued the following items . . . Materials as  
14 appropriate to the special hygiene need of women." Upon information and belief, "materials" only  
15 includes sanitary napkins, and tampons must be purchased through the commissary. Lassen County  
16 Sheriff's Department policy is attached hereto and marked as Exhibit 7.

17       83. Lassen County Sheriff's Department, run by Sheriff Dave Growdon, and Lassen County, are  
18 and have been violating the law by charging female inmates 15¢, 50¢ and 25¢ for tampons.

19       84. Los Angeles County, is a governmental entity, organized and existing under the laws of the  
20 State of California, with the capacity to sue and be sued.

21       85. Los Angeles County has, as one of its governmental entities, a Sheriff's Department.

22       86. Jim McDonnell is the elected Sheriff of Los Angeles County.

23       87. One of the functions of the Los Angeles County Sheriff's Office, is to operate custodial  
24 facilities, i.e., jails, to house both pretrial detainees and sentenced prisoners.

25       88. Sheriff Jim McDonnell, is in charge of operating the Los Angeles County Jail, which  
26 incarcerates inmates, both men and women.

27       89. The Los Angeles Sheriff's Department policy states: "Each female inmate shall be issued  
28 sanitary napkins as needed." Upon information and belief, female inmates must purchase tampons

1 from the commissary if desired. Los Angeles Sheriff's Department policy is attached hereto and  
2 marked as Exhibit 8.

3 90. Los Angeles County Sheriff's Department, run by Sheriff Jim McDonnell, and Los Angeles  
4 County, are and have been violating the law by charging female inmates 27¢ per tampon.

5 91. Madera County, is a governmental entity, organized and existing under the laws of the State  
6 of California, with the capacity to sue and be sued.

7 92. Madera County has, as one of its governmental entities, a Department of Corrections.

8 93. Manuel Perez is the Chief of the Madera County Department of Corrections.

9 94. One of the functions of the Madera County's Department of Corrections, is to operate  
10 custodial facilities, i.e., jails, to house both pretrial detainees and sentenced prisoners.

11 95. Chief Manuel Perez is in charge of operating the Madera County Jail, which incarcerates  
12 inmates, both men and women.

13 96. Madera County Department of Corrections policy merely states: "Personal hygiene articles,  
14 showers, and hair care services will be available for inmates while confined to maintain an  
15 acceptable level of personal cleanliness." Upon information and belief, Madera County Department  
16 of Corrections does not provide female inmates tampons—either for free or on commissary. Madera  
17 County Sheriff's Department policy is attached hereto and marked as Exhibit 9.

18 97. Madera County's Department of Corrections, run by Chief Manuel Perez, and Madera  
19 County, are and have been violating the law by failing to provide female inmates tampons for free.

20 98. Marin County, is a governmental entity, organized and existing under the laws of the State  
21 of California, with the capacity to sue and be sued.

22 99. Marin County has, as one of its governmental entities, a Sheriff's Department.

23 100. Robert T. Doyle is the elected Sheriff of Marin County.

24 101. One of the functions of the Marin County Sheriff's Office, is to operate custodial facilities,  
25 i.e., jails, to house both pretrial detainees and sentenced prisoners.

26 102. Sheriff Robert T. Doyle is in charge of operating the Marin County Jail, which incarcerates  
27 inmates, both men and women.

28

1 103.The Marin County Sheriff’s Department policy states: “Each female inmate shall be issued  
2 sanitary napkins as needed.” Upon information and belief, female inmates are not provided with  
3 tampons and cannot purchase them through the commissary. Marin County Sheriff’s Department  
4 policy is attached hereto and marked as Exhibit 10.

5 104.Marin County Sheriff’s Department, run by Sheriff Robert T. Doyle, and Marin County, are  
6 and have been violating the law by not providing female inmates with tampons.

7 105.Modoc County, is a governmental entity, organized and existing under the laws of the State  
8 of California, with the capacity to sue and be sued.

9 106.Modoc County has, as one of its governmental entities, a Sheriff’s Department.

10 107.Mike Poindexter is the elected Sheriff of Modoc County.

11 108.One of the functions of the Modoc County Sheriff’s Office, is to operate custodial facilities,  
12 i.e., jails, to house both pretrial detainees and sentenced prisoners.

13 109.Sheriff Mike Poindexter, is in charge of operating the Modoc County Jail, which  
14 incarcerates inmates, both men and women.

15 110.Upon information and belief, Modoc County does not provide female inmates with tampons.  
16 Modoc County Sheriff’s Department policy states: “During the booking process all arrestees that  
17 are to remain in custody will receive an Initial Hygiene Issue. The Hygiene Issue will contain . . .  
18 Feminine hygiene items if necessary. . . .” Modoc County Sheriff’s Department policy is attached  
19 hereto and marked as Exhibit 11.

20 111.Modoc County Sheriff’s Department, run by Sheriff Mike Poindexter, and Modoc County,  
21 are and have been violating the law by not providing female inmates tampons free of charge.

22 112.Monterey County, is a governmental entity, organized and existing under the laws of the  
23 State of California, with the capacity to sue and be sued.

24 113.Monterey County has, as one of its governmental entities, a Sheriff’s Department.

25 114.Scott Miller is the elected Sheriff of Monterey County.

26 115.One of the functions of the Monterey County Sheriff’s Office, is to operate custodial  
27 facilities, i.e., jails, to house both pretrial detainees and sentenced prisoners.

1 116. Sheriff Scott Miller is in charge of operating the Monterey County Jail, which incarcerates  
2 inmates, both men and women.

3 117. Upon information and belief, Monterey County Sheriff's Department does not provide  
4 female inmates tampons free of charge.

5 118. Monterey County Sheriff's Department, run by Sheriff Scott Miller, and Monterey County,  
6 are and have been violating the law by failing to provide female inmates tampons free of charge.

7 119. Orange County, is a governmental entity, organized and existing under the laws of the State  
8 of California, with the capacity to sue and be sued.

9 120. Orange County has, as one of its governmental entities, a Sheriff's Department.

10 121. Sandra Hutchens is the elected Sheriff of Orange County.

11 122. One of the functions of the Orange County Sheriff's Office, is to operate custodial facilities,  
12 i.e., jails, to house both pretrial detainees and sentenced prisoners.

13 123. Sheriff Sandra Hutchens is in charge of operating the Orange County Jail, which  
14 incarcerates inmates, both men and women.

15 124. Orange County Sheriff's Department policy states: "Female detainees are issued and may  
16 retain feminine hygiene items as needed." Upon information and belief, Orange County Sheriff's  
17 Department only supplies sanitary napkins free of charge, and not tampons, to female inmates.  
18 Orange County Sheriff's Department policy is attached hereto and marked as Exhibit 12.

19 125. Orange County Sheriff's Department, run by Sheriff Sandra Hutchens, and Orange County,  
20 are and have been violating the law by not providing tampons to female inmates free of charge.

21 126. Placer County, is a governmental entity, organized and existing under the laws of the State  
22 of California, with the capacity to sue and be sued.

23 127. Placer County has, as one of its governmental entities, a Sheriff's Department.

24 128. Ed Bonner is the elected Sheriff of Placer County.

25 129. One of the functions of the Placer County Sheriff's Office, is to operate custodial facilities,  
26 i.e., jails, to house both pretrial detainees and sentenced prisoners.

27 130. Sheriff Ed Bonner is in charge of operating the Placer County Jail, which incarcerates  
28 inmates, both men and women.

1 131. Placer County Sheriff's Department policy states: "Sanitary napkins are provided as  
2 needed." Upon information and belief, female inmates must buy tampons through commissary if  
3 they wish to use them. Place County Sheriff's Department policy is attached hereto and marked as  
4 Exhibit 13.

5 132. Placer County Sheriff's Department, run by Sheriff Ed Bonner, and Placer County, are and  
6 have been violating the law by not providing tampons to female inmates free of charge and instead  
7 charging them 25¢ per tampon.

8 133. San Bernardino County, is a governmental entity, organized and existing under the laws of  
9 the State of California, with the capacity to sue and be sued.

10 134. San Bernardino County has, as one of its governmental entities, a Sheriff's Department.

11 135. John McMahon is the elected Sheriff of San Bernardino County.

12 136. One of the functions of the San Bernardino County Sheriff's Office, is to operate custodial  
13 facilities, i.e., jails, to house both pretrial detainees and sentenced prisoners.

14 137. Sheriff John McMahon, is in charge of operating the San Bernardino County Jail, which  
15 incarcerates inmates, both men and women.

16 138. Upon information and belief, San Bernardino Sheriff's Department does not provide female  
17 inmates with tampons free of charge.

18 139. San Bernardino County Sheriff's Department, run by Sheriff John McMahon, and San  
19 Bernardino County, are and have been violating the law by not providing female inmates with  
20 tampons free of charge.

21 140. San Joaquin County, is a governmental entity, organized and existing under the laws of the  
22 State of California, with the capacity to sue and be sued.

23 141. San Joaquin County has, as one of its governmental entities, a Sheriff's Department.

24 142. Steve Moore is the elected Sheriff of San Joaquin County.

25 143. One of the functions of the San Joaquin County Sheriff's Office, is to operate custodial  
26 facilities, i.e., jails, to house both pretrial detainees and sentenced prisoners.

27 144. Sheriff Steve Moore, is in charge of operating the San Joaquin County Jail, which  
28 incarcerates inmates, both men and women.

1 145. Upon information and belief, San Joaquin Sheriff's Department only provides sanitary  
2 napkins and does not provide female inmates tampons free of charge.

3 146. San Joaquin County Sheriff's Department, run by Sheriff Steve Moore, and San Joaquin  
4 County, are and have been violating the law by charging female inmates .34¢ per tampon.

5 147. Shasta County, is a governmental entity, organized and existing under the laws of the State  
6 of California, with the capacity to sue and be sued.

7 148. Shasta County has, as one of its governmental entities, a Sheriff's Department.

8 149. Tom Bosenko is the elected Sheriff of Shasta County.

9 150. One of the functions of the Shasta County Sheriff's Office, is to operate custodial facilities,  
10 i.e., jails, to house both pretrial detainees and sentenced prisoners.

11 151. Sheriff Tom Bosenko, is in charge of operating the Shasta County Jail, which incarcerates  
12 inmates, both men and women.

13 152. Shasta County Sheriff's Departments policy states: "For female inmates, sanitary napkins  
14 will be provided by staff as needed." Upon information and belief, female inmates must purchase  
15 tampons from the commissary if they wish to use them. Shasta County Sheriff's Department policy  
16 is attached hereto and marked as Exhibit 14.

17 153. Shasta County Sheriff's Department, run by Sheriff Tom Bosenko, and Shasta County, are  
18 and have been violating the law by charging female inmates .35¢ per tampon.

19 154. Sierra County, is a governmental entity, organized and existing under the laws of the State  
20 of California, with the capacity to sue and be sued.

21 155. Sierra County has, as one of its governmental entities, a Sheriff's Department.

22 156. Tim Standley is the elected Sheriff of Sierra County.

23 157. One of the functions of the Sierra County Sheriff's Office, is to operate custodial facilities,  
24 i.e., jails, to house both pretrial detainees and sentenced prisoners.

25 158. Sheriff Tim Standley is in charge of operating the Sierra County Jail, which incarcerates  
26 inmates, both men and women.

27 159. Sierra County Sheriff's Department policy states: "Feminine hygiene products shall be  
28 accessible as needed." Upon information and belief, Sierra County only provides female inmates



1 with sanitary napkins and not tampons. Sierra County Sheriff's Department policy is attached  
2 hereto and marked as Exhibit 15.

3 160. Sierra County Sheriff's Department, run by Sheriff Tim Standley, and Sierra County, are  
4 and have been violating the law by failing to provide female inmates with tampons.

5 161. Siskiyou County, is a governmental entity, organized and existing under the laws of the  
6 State of California, with the capacity to sue and be sued.

7 162. Siskiyou County has, as one of its governmental entities, a Sheriff's Department.

8 163. Jon E. Lopey is the elected Sheriff of Siskiyou County.

9 164. One of the functions of the Siskiyou County Sheriff's Office, is to operate custodial  
10 facilities, i.e., jails, to house both pretrial detainees and sentenced prisoners.

11 165. Sheriff Jon E. Lopey, is in charge of operating the Siskiyou County Jail, which incarcerates  
12 inmates, both men and women.

13 166. Siskiyou County Sheriff's Department policy states: "Each inmate held more than 24 hours,  
14 who is unable to supply him/herself with the following personal care items because of either  
15 indigency or the absence of an inmate canteen, shall be issued the following items . . . Materials as  
16 appropriate to the special hygiene need of women." Upon information and belief, "materials" only  
17 includes sanitary napkins. Siskiyou County Sheriff's Department policy is attached hereto and  
18 marked as Exhibit 16.

19 167. Siskiyou County Sheriff's Department, run by Sheriff Jon E. Lopey, and Siskiyou County,  
20 are and have been violating the law by failing to provide female inmates with tampons free of  
21 charge.

22 168. Sutter County, is a governmental entity, organized and existing under the laws of the State  
23 of California, with the capacity to sue and be sued.

24 169. Sutter County has, as one of its governmental entities, a Sheriff's Department.

25 170. Paul Parker is the elected Sheriff of Sutter County.

26 171. One of the functions of the Sutter County Sheriff's Office, is to operate custodial facilities,  
27 i.e., jails, to house both pretrial detainees and sentenced prisoners.

1 172. Sheriff Paul Parker, is in charge of operating the Sutter County Jail, which incarcerates  
2 inmates, both men and women.

3 173. Sutter County Sheriff's Department policy states: "All female inmates shall be issued  
4 sanitary napkins." Female inmates must purchase tampons from the commissary if they wish the use  
5 them. Sutter County Sheriff's Department policy is attached hereto and marked as Exhibit 17.

6 174. Sutter County Sheriff's Department, run by Sheriff Paul Parker, and Sutter County, are and  
7 have been violating the law by charging female inmates 25¢ per tampon.

8 175. Tehama County, is a governmental entity, organized and existing under the laws of the  
9 State of California, with the capacity to sue and be sued.

10 176. Tehama County has, as one of its governmental entities, a Sheriff's Department.

11 177. Dave Hencratt is the elected Sheriff of Tehama County.

12 178. One of the functions of the Tehama County Sheriff's Office, is to operate custodial  
13 facilities, i.e., jails, to house both pretrial detainees and sentenced prisoners.

14 179. Sheriff Dave Hencratt, is in charge of operating the Tehama County Jail, which incarcerates  
15 inmates, both men and women.

16 180. Upon information and belief, it is Tehama County Sheriff's Departments policy to only  
17 provide female inmates with sanitary napkins and not tampons.

18 181. Tehama County Sheriff's Department, run by Sheriff Dave Hencratt, and Tehama County,  
19 are and have been violating the law by charging female inmates \$6.50 for a box of an unknown  
20 quantity of tampons.

21 182. Tulare County, is a governmental entity, organized and existing under the laws of the State  
22 of California, with the capacity to sue and be sued.

23 183. Tulare County has, as one of its governmental entities, a Sheriff's Department.

24 184. Mike Boudreaux is the elected Sheriff of Tulare County.

25 185. One of the functions of the Tulare County Sheriff's Office, is to operate custodial facilities,  
26 i.e., jails, to house both pretrial detainees and sentenced prisoners.

27 186. Sheriff Mike Boudreaux, is in charge of operating the Tulare County Jail, which  
28 incarcerates inmates, both men and women.

1 187. Tulare County Sheriff's Department policy states: "Each inmate held more than 24 hours,  
2 who is unable to supply him/herself with the following personal care items because of either  
3 indigency or the absence of an inmate canteen, shall be issued the following items . . . Materials as  
4 appropriate to the special hygiene need of women." Upon information and belief, "materials" only  
5 includes sanitary napkins and female inmates must purchase tampons from commissary if they want  
6 to use them. Tulare County Sheriff's Department policy is attached hereto and marked as Exhibit  
7 18.

8 188. Tulare County Sheriff's Department, run by Sheriff Mike Boudreaux, and Tulare County,  
9 are and have been violating the law by charging female inmates 37¢ per tampon.

10 189. Tuolumne County, is a governmental entity, organized and existing under the laws of the  
11 State of California, with the capacity to sue and be sued.

12 190. Tuolumne County has, as one of its governmental entities, a Sheriff's Department.

13 191. James Mele, is the elected Sheriff of Tuolumne County.

14 192. One of the functions of the Tuolumne County Sheriff's Office, is to operate custodial  
15 facilities, i.e., jails, to house both pretrial detainees and sentenced prisoners.

16 193. Sheriff James Mele, is in charge of operating the Tuolumne County Jail, which incarcerates  
17 inmates, both men and women.

18 194. Upon information and belief, Tuolumne County Sheriff's Department policy is to only  
19 provide female inmates with sanitary napkins, and female inmates must purchase tampons if they  
20 wish to use them.

21 195. Tuolumne County Sheriff's Department, run by Sheriff James Mele, and Tuolumne County,  
22 are and have been violating the law by charging female inmates 40¢ per tampon.

23 196. Ventura County, is a governmental entity, organized and existing under the laws of the  
24 State of California, with the capacity to sue and be sued.

25 197. Ventura County has, as one of its governmental entities, a Sheriff's Department.

26 198. Geoff Dean is the elected Sheriff of Ventura County.

27 199. One of the functions of the Ventura County Sheriff's Office, is to operate custodial  
28 facilities, i.e., jails, to house both pretrial detainees and sentenced prisoners.

1 200. Sheriff Geoff Dean is in charge of operating the Ventura County Jail, which incarcerates  
2 inmates, both men and women.

3 201. Ventura County Sheriff's Department policy states: "Females shall be issued sanitary  
4 napkins—as needed—or provided the option to purchase tampons from commissary." Ventura  
5 County Sheriff's Department policy is attached hereto and marked as Exhibit 19.

6 202. Ventura County Sheriff's Department, run by Sheriff Geoff Dean, and Ventura County, are  
7 and have been violating the law by charging female inmates 40¢ per tampon.

8 203. Yolo County, is a governmental entity, organized and existing under the laws of the State of  
9 California, with the capacity to sue and be sued.

10 204. Yolo County has, as one of its governmental entities, a Sheriff's Department.

11 205. Ed Prieto is the elected Sheriff of Yolo County.

12 206. One of the functions of the Yolo County Sheriff's Office, is to operate custodial facilities,  
13 i.e., jails, to house both pretrial detainees and sentenced prisoners.

14 207. Sheriff Ed Prieto is in charge of operating the Yolo County Jail, which incarcerates  
15 inmates, both men and women.

16 208. Yolo County Sheriff's Department policy, upon information and belief, only provides  
17 female inmates with sanitary napkins and not tampons.

18 209. Yolo County Sheriff's Department, run by Sheriff Ed Prieto, and Yolo County, are and  
19 have been violating the law by charging female inmates between 25¢ and 65¢ per tampon.

## 20 **GENERAL ALLEGATIONS**

21 210. Article I, section 7(a) of the California Constitution contains the Equal Protection Clause  
22 which provides that "no person shall be denied the equal protection of the law."

23 211. Article I, section 7(a) of the California Constitution contains the Due Process Clause which  
24 provides that "[a] person may not be deprived of life, liberty, or property without due process of the  
25 law. . . ."

26 212. Title 15 of the California Administrative Code sets forth the minimum standards for the  
27 operation of local detention centers (jails) within the State of California.

1       213. Title 15 sets out specific minimum regulations that each and every jail in the State of  
2 California must obey, including the minimum standards of decency for treatment of inmates.

3       214. Section 1265 of Title 15 provides in relevant part: “Each female inmate shall be issued  
4 sanitary napkins and/or tampons as needed.” The section specifies that sanitary napkins and/or  
5 tampons to be provided to each inmate—meaning a jail must provide tampons and/or sanitary  
6 napkins to a female inmate.

7       215. Defendants, and each of them, have and are violating Plaintiff (and others) constitutional  
8 right to equal protection and due process afforded to her by the California Constitution and by  
9 Defendants failing to meet the minimum standards set forth in Title 15 section 1265 of the  
10 California Administrative Code which can only be interpreted as requiring County Jails to provide  
11 sanitary napkins and/or tampons at that inmate’s choice without charge because that interpretation is  
12 constitutional. Charging money for a tampon is not constitutional.

13       216. The California Court of Appeals, Fourth Appellate District, has examined Title 15’s  
14 minimum standards for detention facilities when determining whether jail inmates’ rights under the  
15 California Constitution were violated (*Inmates of the Riverside City Jail v. Clark*, (1983) 144  
16 Cal.App.3d 850.) The Appellate Court stated that “in assessing the ‘standards of decency’ which are  
17 essential to this analysis, California courts should look chiefly to California standards and  
18 institutions for their guideposts.” (*Id.* At 859). The applicable standard in this instance is Section  
19 1265 of Title 15.

20       217. Defendants do not provide female inmates with tampons. Defendants require female  
21 inmates to buy tampons through Defendants’ commissary for 25¢ per tampon.

22       218. Upon information and belief the current Sacramento County Sheriff’s Department  
23 Operations Order does not discuss the distribution of menstruation products to female inmates. Per a  
24 letter from the Sacramento County Sheriff’s Department their policy is to provide sanitary napkins  
25 free of charge to female inmates, and require female inmates to pay .25¢ per tampon. *See* Exhibit 1.

26       219. Defendant, Sheriff Scott Jones, and other named Defendants, are violating the California  
27 Constitution by failing to comply with a constitutional interpretation of Section 1265 of Title 15  
28 because charging .25¢ per tampon violates the California Constitution. In contrast, women in other

1 County Jails in the State of California, i.e., San Mateo County, San Francisco County, among  
2 others, are provided tampons and/or pads free of charge, in compliance with the Equal Protection  
3 and Due Process Clauses of the California Constitution and a constitutional interpretation of Section  
4 1265 of Title 15.

5 220. Defendants charging the fee of 25¢ per tampon to female inmates (which is significantly  
6 more expensive than market price), including Plaintiff, violates California Constitution's Equal  
7 Protection and Due Process Guarantees and Section 1265 of Title 15.

8 221. Defendant, Scott Jones, and all Defendants, have disregarded the law and are violating the  
9 law, both by their written policy and their custom and practice, by not providing tampons and/or  
10 sanitary napkins to female inmates as needed.

11 222. Jane Doe Inmate and past, present, and future menstruating female inmates have been, are,  
12 and will be injured by all Defendants and especially by Defendant Sheriff Scott Jones' violation of  
13 law causing embarrassment, stress, shame, degradation, and loss of money.

14 223. Defendants, and each of them, have collected monies from Jane Doe Inmate and other  
15 female inmates, in unknown amounts because of Defendants' illegal policies and their illegal  
16 customs and practices as described herein.

17 224. Defendants, and each of them, must account for and return any monies received from Jane  
18 Doe Inmates and other female inmates for the purchase of tampons, which, by law, are to be  
19 provided by Defendants to female inmates free of charge. By seeking injunctive relief and not  
20 money damages Defendants simply must stop charging for tampons and are allowed to keep their  
21 ill-gotten tampon charging gains.

22 225. Defendant, Sheriff Scott Jones, and Defendants, and each of them, by their illegal policy  
23 and practice have profited and illegally obtained and retained monies by selling tampons to female  
24 inmates. Jane Doe Inmate seeks the end of this illegal policy and practice.

25 226. Plaintiff brings this action pursuant to California Code of Civil Procedure, Section 382,  
26 against Defendants, on their behalf and all individuals similarly situated in the Sacramento County  
27 and/or any woman inmate incarcerated in the counties alleged herein that charge for tampons. All  
28 claims alleged herein arise under California law for Plaintiff and members of the class identified

1 herein seek relief authorized under California law. The classes that Plaintiff represents are  
2 comprised of, and are defined as:

3           a. All past and present (and future) females who menstruate while incarcerated  
4 in the Sacramento County Jail and any similar policy tampon charging County Jail,  
5 including both pretrial detainees and sentenced prisoners; and

6           b. All members of the putative class described above have had their rights under  
7 the California Constitution violated by Defendants' practice as set forth herein.

8       227. **Ascertainable Class.** The Plaintiff class described at Paragraph 208 is ascertainable.  
9 Members of the Plaintiff class can be readily identified from inmate files and computer databases  
10 maintained by Defendants and from other records maintained by the Defendants. The litigation of  
11 the questions of fact and law involved in this action will resolve the rights of all members of the  
12 class and hence will have a binding effect on all class members. The class members are numerous  
13 and joinder of all class members is impracticable due to both a reluctance of class members to sue  
14 their current or former jailer and the relatively small monetary recovery for each class member in  
15 comparison to the costs and expenses associated with separate and individual actions.

16       228. **Community of Interest.** The Plaintiff class described at Paragraph 208 above has a well-  
17 defined community of interest in the questions of fact and law to be litigated. The common  
18 questions of law and fact are predominant with respect to the liability issues, relief issues and  
19 anticipated affirmative defenses. The named Plaintiff has claims typical of members of the class  
20 alleged above. The named Plaintiff can, and will, fairly and adequately represent and protect the  
21 interests of the classes in that there is no conflict between their interest and the interests of other  
22 class members. This action is not collusive. The named Plaintiff and their counsel have the  
23 resources to litigate this action, and counsel has the experience and the ability required to prosecute  
24 this case as a class action. Plaintiff, Jane Doe Inmate, is so designated for fear of retribution.

25       229. **Superiority of Class Adjudication.** The certification of a class in this action is superior to  
26 the litigation of a multitude of cases by members of a putative class. Class adjudication will  
27 conserve judicial resources and will avoid the possibility of inconsistent rulings. Moreover, there  
28 are class members who are unlikely to join or bring an action due to, among other reasons, their

1 reluctance to sue their current or former jailer and, or, their inability to afford a separate action. In  
2 addition, equity dictates all persons who stand to benefit from the relief sought herein should be  
3 subject to the lawsuit and hence subject to an order spreading the costs and expenses of the  
4 litigation among the class members in relationship to the benefits received.

5 **FIRST CAUSE OF ACTION—INJUNCTION (Against All Defendants)**

6 230. Plaintiff incorporates by reference each and every allegation set forth in paragraphs 1  
7 through 229, as if set forth in full herein.

8 231. Defendants’ custom and practice in not providing sanitary napkins and/or tampons to  
9 female inmates violates a constitutional interpretation of Section 1265 of Title 15 of the California  
10 Administrative Code.

11 232. The Constitution of the State of California guarantees that “no person shall be denied the  
12 equal protection” of the law. (Cal. Const., art. 1, § 7(a).)

13 233. The Constitution of the State of California guarantees that “[a] person may not be deprived  
14 of life, liberty, or property without due process. . . .” (Cal. Const., art. 1, § 7(a).)

15 234. The California Department of Corrections provides inmates with menstruation products  
16 without charge at the inmate’s choice, i.e., the inmate chooses whether the use a tampon or a pad or  
17 both.

18 235. The Federal Bureau of Prisons requires Wardens to ensure inmates are provided with  
19 menstruation products (at no cost) at the inmate’s choice.

20 236. California County Jails that are Constitutionally compliant provide tampons and/or sanitary  
21 napkins and/or both to inmates without charge at the inmate’s choice.

22 237. The State Board of Community Corrections authored Title 15 of the California  
23 Administrative Code to set forth minimum standards for the operation of local detention facilities in  
24 California.

25 238. The State Board of Community Corrections interprets Section 1265 of Title 15 to require  
26 that female inmates be provided sanitary napkins and/or tampons without charge at the inmate’s  
27 choice. Any other interpretation would be unconstitutional.



1 239. Defendants, and each of them, violated Plaintiff's right to equal protection and due process  
2 in that they do not provide sanitary napkins or tampons without charge at the inmate's choice.

3 240. The Equal Protection Clause and the Due Process Clause of the State Constitution require  
4 as much.

5 241. Defendant, Sheriff Scott Jones and Defendants, and each of them, have disregarded the law  
6 and are violating the law both by their written policy and their custom and practice by charging  
7 female inmates for tampons, and by denying inmates the choice of which product to use.

8 242. Jane Doe Inmates past, present, and future have been, are, and will be injured by  
9 Defendant's actions and policies as described herein.

10 **PRAYER**

11 WHEREFORE, Plaintiff, and class members, pray for Judgment against Defendants, and each of  
12 them, and DOES 1 through 1000, as follows:

13 a. For a temporary restraining order, preliminary injunction and permanent injunction  
14 restraining Defendants and Defendant, Sheriff Scott Jones, and their agents and employees from  
15 charging money to female inmates for tampons.

16 b. For an Order compelling Defendant, Sheriff Scott Jones, and other Defendants to amend  
17 Defendant Sheriff's Department Operations Order to comply with the California Constitution and a  
18 constitutional interpretation of Section 1265 of Title 15, to read "The Sheriff shall provide to each  
19 female inmate sanitary napkins and/or tampons as needed."

20 c. For an Order compelling Defendant Sheriff Scott Jones, and other Defendants to issue  
21 sanitary napkins and/or tampons as needed to female inmates.

22 d. For an Order compelling BSCC to direct all California County Jails to become  
23 constitutionally compliant, i.e., providing female inmates sanitary napkins and/or tampons at the  
24 inmate's choice.

25 e. For restitution for Plaintiff and the members of the putative class of monies paid to  
26 Defendants for tampons.

27 f. For attorney fees pursuant to Code of Civil Procedure Section 1021.5.

28 g. For costs of suit.

1 h. For such other and further relief as the Court deems just and proper.  
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5 DATED: January 9, 2019

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PAULA CANNY  
Attorney for  
JANE DOE INMATE